

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 00-cr-90036
Hon. Matthew F. Leitman

v.

TOI HORN,

Defendant.

/

**ORDER DENYING DEFENDANT'S
MOTION FOR AN EMERGENCY HEARING (ECF No. 754)**

More than sixteen years ago, Defendant Toi Horn pleaded guilty in this Court to one count of aiding and abetting wire fraud in violation of 18 U.S.C. §§ 2, 1343 pursuant to a Rule 11 Plea Agreement. (*See* Superseding Information, ECF No. 432; Plea Agmt., ECF No. 422.) Prior to sentencing, the Judge then presiding over Horn's case ordered Horn to undergo a psychiatric evaluation. (*See* Order, ECF No. 495.) It appears that Horn underwent that evaluation, and the Court ultimately determined that Horn was competent to proceed to sentencing. (*See* 3/23/2006 Hr'g Tr., ECF No. 558, PageID.2960-2961.) On March 24, 2006, the Court sentenced Horn to six months imprisonment with credit for time served. (*See* Judgment, ECF No. 553.) Horn was released from custody on April 4, 2006. (*See* ECF No. 560.) Horn's case has been closed for over fifteen years.

In April 2021, Horn returned to this Court and filed a motion to re-open this case. (*See Mot.*, ECF No. 747.) It appeared that Horn wanted the case to be re-opened so that the director of the facility where Horn underwent the psychological evaluation prior to sentencing could complete or produce a certificate arising out of that evaluation. (*See id.*) The Court denied the motion on May 6, 2021. (*See Order*, ECF No. 748.)

On August 26, 2021, Horn filed a second motion in which Horn again sought a copy of a certificate from the director of the facility where Horn underwent the psychological evaluation. (*See Mot.*, ECF No. 752.) The Court denied that motion on December 13, 2021. (*See Order*, ECF No. 753.)

Horn has now filed yet another motion in which Horn “seek[s] the certificate” from the psychological evaluation. (*See Mot.*, ECF No. 754, PageID.6058.) Horn further asks the Court to hold an “emergency hearing” on that request. (*Id.*) Horn’s motion is **DENIED**. For all of the reasons stated in the Court’s previous orders, Horn has not shown an entitlement to relief. Horn has not shown why Horn needs the certificate or why it would be appropriate to provide it at this time.

Finally, the Court notes that this is the third unsupported motion that Horn has filed asking for the same relief. The Court has denied each of these motions. The Court cautions Horn that if Horn continues to file unsupported, frivolous motions in

this action, the Court may sanction Horn and/or enjoin Horn from making future filings.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: January 31, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 31, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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